

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7681**

**BILL NUMBER:** HB 1369

**DATE PREPARED:** Jan 8, 1999

**BILL AMENDED:**

**SUBJECT:** Pretrial release information.

**FISCAL ANALYST:** Susan Preble

**PHONE NUMBER:** 232-9867

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill requires a clerk of a court that has jurisdiction over a person admitted to bail to: (1) prepare a record containing certain information about the person; (2) update the record on a monthly basis; and (3) post a copy of the record in the clerk's office. It requires a clerk to submit to the Indiana Criminal Justice Institute an annual report that contains certain information about persons admitted to bail gathered by the clerk during the preceding year.

It also requires the Indiana Criminal Justice Institute to make annual reports submitted to the Institute available for public inspection and copying during regular office hours.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** This bill requires the Indiana Criminal Justice Institute to make annual reports submitted by court clerks available for public inspection and copying. Currently, the Institute has only one copy machine which is not set up to handle high volume copying. The impact to the Institute will depend upon the size of the annual reports and the number of people requesting copies.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** This bill requires court clerks to do the following when an individual is admitted to bail: (1) prepare a record about the defendant (using a case number) which must include: a description of the offense, the date of any court appearance that was unattended by the defendant, whether an arrest warrant has been issued due to the defendant's failure to appear under the terms of the defendant's release on bail, and the name of the judge or magistrate who authorized the release on bail; (2) update this record on a monthly basis; and (3) post a copy of the record in the clerk's office.

This bill also requires that court clerks submit annual reports including the following information to the

Indiana Criminal Justice Institute:

- (1) the number of people admitted to bail by the court;
- (2) the number of people who were admitted to bail after being convicted for the same offense, or any felony within the preceding 6 years;
- (3) who failed to attend a scheduled court appearance;
- (4) for whom a warrant was issued for failure to appear in accordance with the conditions of bail; or
- (5) who were arrested for any other offense while admitted to bail.

This bill will increase the workload for court clerks. The extent of the increase will vary depending upon the size of the county and the number of defendants released on bail. Because each court sets its own calendar, the clerk's office would have to obtain the court schedule and track each case on a daily basis in order to do a monthly update on each record. Currently, only upon notification by the court would a clerk know of a defendant's failure to appear. There will also be copying and paper costs associated with posting a copy of each defendant's record in the clerk's office.

Based on the number of applicable cases and courts in each county, clerks' offices may have to hire an additional entry-level staff person in order to process the additional workload this bill will require. Costs in addition to a salary of approximately \$18,000 - \$20,000, include PERF at 6.3% of salary, FICA at 7.65% of salary, and life, health and disability insurance. Fringe benefit percentages for life, health, and disability insurance vary from county to county. Expenses for office furniture, computer terminal, phone line, and other office supplies and equipment may also be incurred.

**Explanation of Local Revenues:**

**State Agencies Affected:** Indiana Criminal Justice Institute

**Local Agencies Affected:** Court clerks

**Information Sources:** Brenda Jones-Matthews, Johnson County Clerk, (317) 736-3708; Marsha McSherry, President, Court Clerks Association, (219) 372-2334; Association of Indiana Counties *County Factbook 1997*; Catherine O'Connor, Executive Director, Indiana Criminal Justice Institute, (317) 232-2560.